

REMARKS**Amendments to specification and claims**

This is in response to the Office Action of December 11, 2006. The title of the invention is amended, and formal errors are corrected in the specification. Claims 1, 2, and 11 – relating to propylene random copolymers and a process to produce the same – are cancelled, without prejudice. Claim 3 is rewritten in independent form, incorporating the features of original claim 1. Formal amendments are made to claims 5-10, 12, and 13. With respect to the amendment in the last line of claim 6, attention is directed to line 18 on page 6 of the specification. New claim 14 corresponds to original claim 2. New claim 15 is added to recite specifically disclosed embodiments of features [L1], [L2], and [L3] set forth in claim 3. New claims 16-19 are added, based upon the description in lines 3-14 on page 38 of the specification. Claims 3-10 and 12-19 are pending in this application.

Prior art rejection

Claims 1, 12, and 13 were rejected under 35 U.S.C. § 103(a) as being unpatentable over US 6,846,943 B2 (Nakano). Office Action, pages 4-5. By this Amendment, independent claim 1 is cancelled, and dependent claims 12 and 13 no longer depend from claim 1. The Nakano reference fails to teach or suggest the three-layer propylene polymer particle of claims 3-10 and 12-19. Accordingly, this ground of rejection does not apply to any of the claims presently before the Examiner.

Formal rejection

Claims 3, 4, 5, 12, and 13 were rejected under the second paragraph of 35 U.S.C. § 112 as failing to define the invention properly. Office Action, page 3. This rejection was based upon lack of proper antecedent basis and improper dependency. The claims as amended herein overcome all of the issues noted by the Examiner in connection with this rejection. Accordingly, this ground of rejection does not apply to any of the claims presently before the Examiner.

Restriction requirement

As a basis for the requirement for restriction, the Examiner argued that “the random copolymer of Group I comprises the same propylene copolymers as the prior art copolymers, e.g. Nakano”. Office Action, page 2. In the claims as amended, the Nakano copolymers are clearly excluded from the scope of Applicants’ claims. Accordingly, the Examiner’s stated basis for the restriction requirement no longer applies. Moreover, method claims 6-10 are now limited to a method for preparing a propylene polymer according to any one of claims 3, 4, 5, 14, and 15. Thus, the method claims herein have a scope coextensive with the claims to products made by the claimed methods. All of the claims herein involve a single special technical feature – the three-layer propylene polymer particle. Accordingly, all of claims 3-10 and 12-19 in their present form have unity of invention in accordance with 37 CFR 1.499, and the requirement for restriction should be withdrawn.

Contact information

Should there be any outstanding matters that need to be resolved in the present


application, the Examiner is respectfully requested to contact Richard Gallagher (Registration No. 28,781) at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

Conditional fee authorization

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37.C.F.R. §§1.16 or 1.14; particularly, extension of time fees.

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Respectfully submitted,

By 
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